

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

JAMES FREDRICK DUBOSE,

Defendant/Petitioner.

Criminal Case No. 14-cr-20500  
Civil Action No. 16-cv-12213

Paul D. Borman  
United States District Judge

R. Steven Whalen  
United States Magistrate Judge

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ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING  
DEFENDANT/PETITIONER'S MOTION BROUGHT PURSUANT TO 28  
U.S.C. §2255

On August 15, 2018, Magistrate Judge R. Steven Whalen issued a Report & Recommendation (ECF #53.) in which he recommended that the Defendant's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. §2255 (ECF #39.) be DENIED.

In the Report and Recommendation, the parties were advised that any objections must be filed within fourteen days of service of a copy as provided for in 28 U.S.C. 636(b)(1) and E.D. Mich. LR 72.1(d)(2) and that failure to file specific objections constitutes a waiver of any further right of appeal. On September 4, 2018,

Defendant/Movant filed a Motion to Extend Time to File Objections to the Report and Recommendation by thirty days. (ECF #54.) On September 19, 2018, the Court issued an Order granting this motion saying, “Objections are due thirty days from receipt of this order.” (ECF #55.) The Court’s order was mailed to Defendant/Movant on that date. It is now over sixty days since the order was mailed to Defendant/Movant.

There having been no timely objections filed, the Court

- (1) ACCEPTS the magistrate judge’s Report and Recommendation (ECF #53.);
  
- (2) DENIES Defendant’s Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. §2255 (ECF #39)

SO ORDERED.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: November 27, 2018

## CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 27, 2018.

s/Deborah Tofil  
Case Manager